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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,817	01/31/2005	Jean-Paul Froment	14954NP	4861
293 7590 06/09/2008 Ralph A. Dowell of DOWELL & DOWELL P.C. 2111 Eisenhower Ave Suite 406 Alexandria, VA 22314				
EXAMINER SUTTON, ANDREW W				
ART UNIT		PAPER NUMBER		
3765				
MAIL DATE		DELIVERY MODE		
06/09/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/522,817

Applicant(s)

FROMENT, JEAN-PAUL

Examiner

ANDREW W. SUTTON

Art Unit

3765

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 2, 7-9, 12-14, 22 and 24-28 is/are allowed.
- 6) ☒ Claim(s) 3-6, 9, 10, 15-17, 20 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 5/27/08 have been fully considered but they are not persuasive. The amendment to claims 1 and 28 fail to overcome the prior as the amendment to claims 1 and 28 (i.e., or a member secured to and extending from the projection" is optional and therefore fails to overcome the rejection mail 1/24/08.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7-8, 12-14, 18-19, 21-22, and 24-28, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Giarding (US 1,082,317). Giarding teaches heald frame for a loom having two struts c with two crossbars a and b having heald carriers a and b with the struts c having a projection j joined to an end portion of the adjacent cross bar. The crossbar a is tubular as shown in figure 2 and adapted to receive projection j. The projection j has a locking member g to lock the projection to the crossbar. The cross section of the crossbar b has a convex profile and further includes a hoop c2, also having a convex profile surrounding the projection j, the locking member g, and the end portion.

As to claim 2, the hoop c2 surrounds the convex profile, which is tubular and surrounds the locking member j.

As to claim 4, the projection j would immobilize the hoop on the end portion.

As to claim 7, the heald carrier rod e extends over a part of the length opposite of the zone of junction j.

As to claim 8, screw j would immobilize the hoop c2.

As to claim 12, Giarding illustrates the hoop c2 having a orifice for passing a locking member j.

As to claim 13, Giarding illustrates the metal hoop c2 being bent around the zone of junction.

As to claim 14, Giarding illustrates the mechanical means j for immobilization of the strut and tensioning the hoop c2 at the end part.

As to claim 18, once the strut c and hoop c2 is assembled with the screw j, it would be one piece with the elongated part of the strut C.

As to claim 19, Giarding illustrates part f2 of the strut c is inserted in the crossbar a with mechanical means (screw).

As to claim 21, Giarding teaches the end portion of the locking member g with an oppositely inclined and declined surfaces to beat the projection j of the strut.

As to claim 22, Giarding illustrates a control screw i4, perpendicular to the longitudinal axis of the crossbar a and beyond the part h introduced in said crossbar a, with respect to a principal part c of the strut.

As to claim 24, Giarding illustrates the hoop c2 crimped around the crossbar a.

As to claim 25, Giarding further illustrates the flexible slot b4 of crossbar b as shown in Fig. 6 adjacent to the end portion.

As to claim 26, Giarding illustrates the extremity of the convex profile of b is substantially rectangular and in the said slot b4 is made in along the long length of the side b4.

As to claim 27, Giarding illustrates the substantially convex profile of part a of the extremity of the crossbar by adding filling element g between end part a and said hoop c2.

As to claim 28, Giarding states in the title the frame is for a loom.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Giarding (US 1,082,317). Giarding teaches the device substantially above. Giarding does not teach the use of glue between the hoop c2 and crossbar a. It would have been obvious to one of ordinary skill in the art to use glue to further secure the joint to prevent the screw j from coming lose.

Allowable Subject Matter

Claims 3-6, 9-10, 15-17, 20, and 23 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW W. SUTTON whose telephone number is (571)272-6093. The examiner can normally be reached on Monday - Friday 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary L. Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Gary L. Welch/

Supervisory Patent Examiner, Art Unit 3765